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LIVE BIRD MARKETS:
New Jersey Department of Health (NJDOH), Food and Drug Safety
Program Guidance to Local Health Agencies



Many consumers want to enjoy the advantage of fresh meat. They desire to obtain this fresh meat, especially poultry, from local sources within their community. Many live poultry operations are conducted in storefronts called Live Bird Markets.

These markets, in addition to the slaughter and processing of poultry, may also custom slaughter other livestock. Any operation that sells food directly to the public is classified as a retail food establishment and is therefore under the jurisdiction and enforcement of the local health department. As such, live bird markets are required to operate in compliance with the provisions of N.J.A.C. 8:24, “Sanitation in Retail Food Establishments and Food and Beverage Vending Machines”(Chapter 24).*

The purpose of this guide is to clarify jurisdiction issues, inspection parameters, and food safety concerns regarding live bird markets. Local health departments are responsible for the retail portion of the operation including licensing, inspection and enforcement of Chapter 24 regulations. This includes the slaughter and sale of live birds on farms

**At the time this guidance was published, NJDOH Food and Drug Safety Program was aware of at least thirty-four live bird markets in New Jersey, primarily located in Bergen, Camden, Essex, Gloucester, Hudson, Middlesex, and Passaic counties.*

and other local areas not typically considered retail food establishments.

The New Jersey Department of Agriculture (NJDA) (www.state.nj.us/agriculture; [Avian Influenza Page; Surveillance and Testing Program](#)) and the US Department of Agriculture Food Safety and Inspection Service (USDA/FSIS) (www.usda.gov) also regulate parts of these live bird markets. NJDA regulates the health of livestock including poultry. In doing so, they maintain disease control programs to protect the health and well-being of livestock in New Jersey.

The NJDA has established an Avian Influenza prevention and control program that includes monthly inspections to monitor bird health and live bird market sanitation; quarterly testing to monitor disease status within the market; quarterly closures of the market with complete sanitation, cleaning, disinfection and at least 24 hours of downtime after the disinfectant has been applied.

USDA/FSIS regulates the custom slaughter and processing of animals other than poultry. Custom slaughtering is defined as the slaughter of an animal such as a pig, goat, sheep, cow, rabbit, guinea pig etc. and the meat from the slaughtered animal is turned directly over to the owner of the animal. USDA/FSIS inspects these facilities once a year.

Live Bird Market Protocol

What takes place in a Live Bird Market?

New Jersey live bird markets must obtain all poultry only from poultry distributors that are registered with the NJDA (NJAC 2:9-3.1(a)).

Birds are delivered in transport crates and are required to be unloaded within 18 hours of delivery (NJAC 2:8-4.5(j)), and may be placed in caged housing or floor pens. All poultry must be slaughtered within 10 days of receipt (NJAC 2:9-3.1(d)).

The customer enters the market and selects a live bird. The bird is weighed and slaughtered. No person shall permit live poultry to leave the live bird market (NJAC 2:9-3.2(e)). The bird is then processed (feathers removed, eviscerated, cut into parts if requested). The customer picks up the bird immediately or within four hours of ordering (NJAC 8:24-3.5(f) 2).

Inspection considerations:

A Chapter 24 inspection (NJAC 8:24) should be performed on all operations that slaughter poultry for sale directly to the customer or sold at farmer's markets. Inspections will most likely take place at individual stores called "Live Bird Markets." Inspections may also have to be performed on a farm if a farm in your jurisdiction is found to be slaughtering birds and selling directly to the public or at farmers markets. If the farm slaughters more than 1,000 birds/year, it should be noted on the inspection report and the Food and Drug Safety Program should be contacted. The information will then be passed on to USDA/FSIS.

Except under extraordinary conditions, these operations should be classified as Risk 2 type establishments. As such, persons in charge would not be required to have a Certified Food Manager. Live bird markets must also be registered with the NJDA (NJAC 2:9-2.2(a)). If you find one that is not, make a note of it and contact Food and Drug Safety. We will pass the information on to NJDA.

All market buildings, equipment and cages/cage pans/pens, must be made of a material that can be routinely cleaned and disinfected. (NJAC 2:9-3.2(b)). The facility must take every effort to avoid vermin attraction. (NJAC 8:24-6.2)



Each live bird market shall maintain an effective and safe pest control program that eliminates or minimizes pests (i.e. rodents, flies, cockroaches and other insects). The premises shall be kept in such condition to prevent the breeding, harborage, or feeding of these pests (NJAC 2:9-3.2(g)).

If cages are used to house the birds, they shall be of sufficient size to allow each bird to stand upright in the cage without having its head protrude through the top of the cage. A bird shall also be able to lie down, get up, walk, spread its wings, move its head freely, turn around and rest. (NJAC 2:8-4.4(d)1). Cages shall be constructed to minimize the risk of

injury or entrapment (NJAC 2:8-4.4(d)2). Cages shall also be constructed to minimize the soiling of birds by fecal material from the birds in cages above them (NJAC 2:8-4.4(d)3).

If floors are used to house the birds, they shall provide each bird enough room to stand, lie down, get up, walk, spread its wings, move its head freely, turn around and rest, and (NJAC 2:8-4.4(e)1) and be constructed of a surface that provides a suitable environment for poultry health (NJAC 2:8-4.4(f)).



Advice to local health inspectors:

Live bird markets and other locations where poultry is slaughtered and sold directly to consumers are retail food establishments and should be licensed/regulated and inspected. If this process is taking place on a farm or other non-conventional location, the local health department has the authority under Chapter 24 (NJAC8:24) to enter such premises.

All findings shall be documented on the inspection report. Should you find conditions not covered in Chapter 24 (i.e. any of the above items with citations other than NJAC24:8), make a note of your findings on the report. If you have any questions about what you have observed or guidance regarding enforcement, please contact the Food and Drug Safety Program. The Program will contact the appropriate enforcement agency.

NJDA recommends that inspectors wear proper attire when performing inspections to prevent the spread of disease. Proper attire includes disposable covering for street clothes but at a minimum, disposable booties. Booties should be donned before entering premises and removed upon exiting. They should be left on premises to be disposed of by owner/person in charge (PIC).

For questions, please contact the Food and Drug Safety Program, Retail Food Project at (609)826-4935. This guidance document is also available on our website at: www.state.nj.us/health/foodanddrugsafety/rfp.shtml.